

1 I. NEEL CHATTERJEE (STATE BAR NO. 173985)  
nchatterjee@orrick.com  
2 MONTE COOPER (STATE BAR NO. 196746)  
mcooper@orrick.com  
3 MORVARID METANAT (STATE BAR NO. 268228)  
mmetanat@orrick.com  
4 ORRICK, HERRINGTON & SUTCLIFFE LLP  
1000 Marsh Road  
5 Menlo Park, California 94025  
Telephone: 650-614-7400  
6 Facsimile: 650-614-7401

7 Attorneys for Plaintiff  
FACEBOOK, INC.  
8

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION  
12

13 FACEBOOK, INC.,

14 Plaintiff,

15 v.

16 POWER VENTURES, INC. a Cayman Island  
corporation, STEVE VACHANI, an individual;  
17 DOE 1, s/b/a POWER.COM, DOES 2-25,  
inclusive,

18 Defendants.  
19  
20  
21

Case No. 5:08-cv-05780-JW (JCS)

**DECLARATION OF MORVARID  
METANAT IN SUPPORT OF  
DEFENDANTS' ADMINISTRATIVE  
MOTION FOR SEALING ORDER  
PURSUANT TO CIVIL L.R. 79-5(D) IN  
CONNECTION WITH THE BRIEF OF  
DEFENDANTS POWER VENTURES,  
INC. AND STEVE VACHANI  
REGARDING (1) AMOUNT OF  
DAMAGES AND (2) INDIVIDUAL  
LIABILITY OF DEFENDANT  
VACHANI**

Dept: Courtroom 9, 19th Floor  
Judge: Hon. Chief Judge James Ware

1 I, Morvarid Metanat, declare:

2 1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP and  
3 counsel for Plaintiff Facebook, Inc. I make this declaration in support of Defendants'  
4 Administrative Motion for Sealing Order Pursuant to Civil L.R. 79-5(d), in Connection with the  
5 Brief of Defendant Power Ventures, Inc. and Steve Vachani Regarding (1) Amount of Damages  
6 and (2) Individual Liability of Defendant Vachani. *See* Dkt. No. 288.

7 2. Facebook seeks to Lodge under Seal portions of the Brief of Defendants Power  
8 Ventures, Inc. and Steve Vachani Regarding (1) Amount of Damages and (2) Individual Liability  
9 of Defendant Vachani that make reference or cite to the Declaration of Ryan McGeehan in  
10 Support of Facebook's Motion for Partial Summary Judgment on Count 1 of CAN-SPAM Act  
11 ("McGeehan Declaration").

12 3. Facebook has designated the entirety of the McGeehan Declaration as "HIGHLY-  
13 CONFIDENTIAL-ATTORNEYS' EYES ONLY" pursuant to the Parties' Protective Order, dated  
14 February 4, 2011 (Dkt. No. 95). The McGeehan Declaration discusses Facebook's internal  
15 infrastructure in responding to attacks on Facebook's systems and servers, including the security  
16 and privacy-based technical measures implemented by Facebook to prevent such attacks. This  
17 security information is highly sensitive and Facebook may suffer irreparable harm if this  
18 information is not protected from disclosure through public filing. Specifically, public disclosure  
19 of Facebook's technical and security measures implemented to prevent attacks on Facebook  
20 would be potentially informative to third parties who wish to circumvent such measures, putting  
21 Facebook at significant risk for future, pervasive attacks. Facebook requests that the Ostiller  
22 Report and the Supplemental Brief Regarding Damages and Liability of Steve Vachani be  
23 redacted to the extent that they contain citations or references to any portions of the McGeehan  
24 Declaration.

25 4. On November 28, 2011, the Court granted Facebook's Motion to Seal the  
26 Declaration of Ryan McGeehan in Support of Facebook's Motion for Partial Summary Judgment  
27 on Count 1, and thus, all excerpts from, and references to, the McGeehan Declaration should be  
28 filed under seal. *See* Dkt. No. 182.

5. Facebook, therefore, requests that the following portions of the Brief of Defendants Power Ventures, Inc. and Steve Vachani Regarding (1) Amount of Damages and (2) Individual Liability of Defendant Vachani should be redacted for good cause:

- Page 2, Lines 19-22, beginning with “In” through “in them’).”
- Page 3, Lines 20-25, beginning with “It makes” through “in them’).”
- Page 4, Lines 3-5, beginning with “Mr. McGeehan” through “Use.””

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 6th day of April, 2012 at Menlo Park, California.

Dated: April 6, 2012

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: /s/ Morvarid Metanat  
 Morvarid Metanat  
 Attorneys for Plaintiff  
 FACEBOOK, INC.